

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

SIERRA ORTIZ,

Plaintiff,

v.

No. 2:20-cv-00190-SMV-CG

**PATRICK HOWARD and LAS CRUCES
PUBLIC SCHOOLS,**

Defendants.

STIPULATED CONFIDENTIALITY ORDER REGARDING PERSONNEL FILES

THIS MATTER having come before the Court upon the stipulation of Sierra Ortiz (“Plaintiff”), Patrick Howard (“Defendant”) and Las Cruces Public Schools (“Defendant), together referred to as “the Parties,” in order to preserve and maintain the confidentiality of personnel files produced by Las Cruces Public Schools, the Court hereby finds there is good cause to enter a confidentiality order in this case.

THEREFORE, it is hereby ordered that:

Upon the stipulation of all parties, IT IS HEREBY ORDERED:

1. The personnel files of any employee produced by Las Cruces Public Schools shall be “Confidential” in accordance with this Stipulated Confidentiality Order Regarding Personnel Files and all information derived therefrom shall not be shared with other attorneys or parties in other cases, and shall be used solely in connection with this lawsuit and shall not be used for any other purpose except as otherwise ordered by this Court.
2. The personnel files may be made available in whole or in part to:
 - a. the Parties

b. outside or in house counsel who represent the Parties in this action, and regular and temporary employees of those counsel assisting in the conduct of this action, for use in accordance with this Stipulated Confidentiality Order Regarding Personnel Files;

c. consultants or experts assisting counsel for the Parties in this action;

d. actual or potential deponents or witnesses in this action, and their counsel during the course of, or to the extent necessary in preparation for, deposition or trial testimony in this action, or to the extent necessary to determine whether they are proper deponents or witnesses in this action; and

e. the Court in this action and court reporters employed in connection with this action.

3. No disclosure of the personnel files shall be made to any person until such person has been provided with a copy of this Stipulated Confidentiality Order Regarding Personnel Files.

4. Copies of the personnel files may be made in order to facilitate use in pleadings and at depositions. All such copies shall be treated as "Confidential" and subject to the provisions of this Stipulated Confidentiality Order Regarding Personnel Files.

5. The personnel files may be referred to in interrogatory answers, motions, and briefs, and may be used in depositions and marked as deposition exhibits in this

proceeding.

6. Subject to the Federal Rules of Evidence, “Confidential” documents may be offered in evidence at trial or any hearing, provided that the proponent of the evidence gives a minimum of three days’ advance notice to counsel for the party or other person that designated the information as confidential.

7. The parties and their counsel shall take steps reasonably necessary or appropriate to see that no persons receiving access to the personnel files pursuant to this Order shall use, disclose, copy, or record such documents, for any purposes other than the preparation for or conduct of this case.

8. In the event that any person or party ceases to be engaged or involved in this action, the provisions of this Stipulated Confidentiality Order Regarding Personnel Files shall remain in full force and effect. Any such person or party shall return or destroy any copies of the personnel files as above provided.

9. Following the conclusion of this litigation, all copies of the personnel files shall be returned or destroyed.

IT SO ORDERED.



THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE

Submitted by:

ATWOOD, MALONE, TURNER & SABIN, P.A.

By Electronically Submitted /s/ Bryan Evans

Bryan Evans
Barbara Evans
Atwood, Malone, Turner & Sabin, P.A.
P.O. Drawer 700
Roswell, NM 88202-0700
(575) 622-6221
Attorneys for Defendant Las Cruces Public Schools

Approved as to Form:

AGREED AND STIPULATED:

via email

Mollie McGraw, Esquire
Amanda S. Carmody, Esquire
McGraw Law & Associates
165 W. Lucero Ave.
Las Cruces, NM 88005
(575) 523-4321
Attorneys for Plaintiff

via email

John S. Stiff, Esquire
H. Nicole Werkmeister, Esq., Of Counsel
Stiff, Keith & Garcia, LLC
500 Marquette Ave., N.W., Suite 1400
Albuquerque, NM 87102-5312
(505) 243-5755
Attorneys for Defendant Howard

via email

Cody R. Rogers, Esquire
Jarmie & Rogers, P.C.
P.O. Box 344
Las Cruces, NM 88004-0344
(575) 288-1453
Attorneys for Defendant Howard

via email

Jim “Jeep” Darnell, Esquire
Jim Darnell, P.C.
310 N. Mesa St., Suite 212
El Paso, TX 79901
(915) 532-2442
Attorney for Defendant Howard